

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **John Giordano**
Deborah Giordano

Case No.:

Judge:

Chapter:

13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Motions Included

☐ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 420.00 Monthly to the Chapter 13 Trustee, starting on June 1, 2014 for approximately 48 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:
-

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
S. Daniel Hutchison, Esq. 6931	Attorney Fees	3,000.00
CCMUA	Taxes and certain other debts	537.89

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage	124 S. Browning Avenue, Somerdale, NJ 08083	11,160.00	0.00	11,160.00	1,233.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.							
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bank of America, NA	124 S. Browning Avenue, Somerdale, NJ 08083	9,528.00	133,000.00	First Mortgage Wells Fargo Home Mortgage - 150,779.84	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
Ford Motor Credit

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
PSE&G Nuclear Employees	2008 Ford Explorer XLT - 45,000 miles	3,188.44

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

___ Not less than \$___ to be distributed *pro rata*

___ Not less than ___ percent

 x Pro rata distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served.

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
South Jersey Radiology Associates	Judgment Lien from Medical Bills		630.00	0.00	0.00	0.00	630.00

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Bank of America, NA	124 S. Browning Avenue, Somerdale, NJ 08083	9,528.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate Property of the Estate shall revert in the Debtor:

☒ Upon Confirmation

☐ Upon Discharge

b. Payment Notices Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. **Order of Distribution** The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. **Post-petition claims** The Trustee is ☐, is not ☒ authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. **Other Provisions:**

Debtor(s) propose to repay PSE&G Nuclear Employees Federal Credit Union \$2,884.42 at 5% over the life of the Plan.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date May 22, 2014 /s/ S. Daniel Hutchison, Esq.
S. Daniel Hutchison, Esq. 6931
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date May 22, 2014 Signature /s/ John Giordano
John Giordano
Debtor

Date May 22, 2014 Signature /s/ Deborah Giordano
Deborah Giordano
Joint Debtor

United States Bankruptcy Court
District of New Jersey

In re:
John Giordano
Deborah Giordano
Debtors

Case No. 14-20574-GMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: dcary
Form ID: pdf901

Page 1 of 2
Total Noticed: 41

Date Rcvd: May 27, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 29, 2014.

db/jdb
514807575 +John Giordano, Deborah Giordano, 124 S Browning Avenue, Somerdale, NJ 08083-1112
514807575 Apex Asset Management, 1286 Carmichael Way, Montgomery, AL 36106-3645
514807576 Apex Asset Management LLC, 2501 Oregon Pike, Suite 102, Lancaster, PA 17601-4890
514807577 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, NA, 4161 Piedmont Parkway, Greensboro, NC 27410)
514807578 +Borough of Somerdale Tax Collector, 105 Kennedy Boulevard, Somerdale, NJ 08083-1018
514807579 C&H Colletion Services, Inc., POB ox 1399, Merchantville, NJ 08109-0399
514807582 +CCMUA, 1645 Ferry Ave., Camden, NJ 08104-1360
514807580 Capital One/Boscovs, PO Box 30253, Salt Lake City, UT 84130-0253
514807581 Capital One/Casual Male, PO Box 30253, Salt Lake City, UT 84130-0253
514807583 Comenity Bank, PO Box 182789, Columbus, OH 43218-2789
514807584 Comenity Bank/WOMNWITHN, PO Box 18279, Columbus, OH 43218-2789
514807585 Comenity Bnak/FASHBGVSA, PO Box 182789, Columbus, OH 43218-2789
514807586 Commenity Bank - KING SIZE, Po Box 182789, Columbus, OH 43218-2789
514807587 Commenity Bank/VALCTYFR, PO Box 182789, Columbus, OH 43218-2789
514807588 +Cooper Health System, c/o QAR, PO Box 239, Gibbsboro, NJ 08026-0239
514807589 Cooper University Hospital, PO Box 1022, Wixom, MI 48393-1022
514807591 +Dr. Ronaldo DeGuzman, 330 Greentree Road, Marlton, NJ 08053-9427
514807592 +Elliot Ames DO, PO Box 4474, Cherry Hill, NJ 08034-0681
514807593 FMC-Omaha Service Center, Attn: Bankruptcy Dept, POB 54200, Omaha, NE 68154-8000
514807594 Ford Motor Credit, One the American Road, Mail Drop 7340, Dearborn, MI 48121
514807597 +GECRB/SMART Carpet, PO Box 965036, Orlando, FL 32896-5036
514807599 Lourdes Medical Associates, PO Box 824626, Philadelphia, PA 19182-4626
514807600 +Meeting House Family Physicians, 330 E. Greentree Road, Marlton, NJ 08053-9401
514807601 Monarch Recovery Management, Attn: Bankruptcy Dept, 10965 Decatur Road,
Philadelphia, PA 19154-3210
514807602 P. Scott Lowery, PC, 5680 Grennwood Plaza Blvd., Suite 500,
Greenwood Village, CO 80111-2415
514807603 ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Assoc LLC, 120 Corporate Blvd Ste 100,
Norfolk, VA 23502-4962)
514807604 +PSE&G Nuclear Employees, Federal Credit Union, PO Box 232, Hancocks Bridge, NJ 08038-0232
514807605 +PSE&G Nuclear Employees FCU, PO Box 232, Hancocks Bridge, NJ 08038-0232
514807606 +Pulmonary & Sleep Phys. of SJ PA, LMC#1, 204 Ark Rd., Ste 206, Mount Laurel, NJ 08054-3100
514807609 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation,
ATTN Bankruptcy Department, PO Box 245, Trenton, NJ 08695)
514807607 Shiel Medical Laboratory, 63 Flushing Avenue, Unit 336, Brooklyn, NY 11205-1083
514807608 South Jersey Radiology Associates, PO Box 1710, Voorhees, NJ 08043-7710
514807610 THD/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
514807611 #The Bureaus, 1717 Central St., Evanston, IL 60201-1507
514807612 +Wells Fargo Home Mortgage, 3476 Stateview Blvd., MAC X7801-01X, Fort Mill, SC 29715-7203

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg +E-mail/Text: leah.bynon@usdoj.gov May 27 2014 22:15:15 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2523

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 27 2014 22:15:11 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
514807590 +E-mail/Text: legal-dept@cooperhealth.edu May 27 2014 22:15:55 Cooper University Hospital,
Attn: Billing / Bankruptcy Depts, One Cooper Plaza, Camden, NJ 08103-1489
514807595 +E-mail/PDF: gecsed@recoverycorp.com May 27 2014 22:17:59 GE Capital, 900 Concourse Drive,
Rapid City, SD 57703-4762
514807596 E-mail/PDF: gecsed@recoverycorp.com May 27 2014 22:24:42 GE Money Bank, PO Box 981127,
El Paso, TX 79998-1127
514807598 E-mail/Text: cio.bncmail@irs.gov May 27 2014 22:14:43 Internal Revenue Service,
Centralized Insolvency Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTAL: 6

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 29, 2014

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 23, 2014 at the address(es) listed below:

S. Daniel Hutchison	on behalf of Debtor John Giordano	teamlaw@hutchisonlaw.net
S. Daniel Hutchison	on behalf of Joint Debtor Deborah Giordano	teamlaw@hutchisonlaw.net
		TOTAL: 2